IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.2625 OF 2005

Smt.Jyoti Pherwani ..Applicant

Vs.

State of Maharashtra & Anr. ...Respondents

....

Mr. P.D.Sawardekar Advocate for Applicant
Mr. M.S.Mhambaray, A.P.P. for the State

CORAM: SMT.V.K.TAHILRAMANI,J.

DATE : JUNE 24,2005

P.C.

1. Heard the learned advocate for the applicant and the learned A.P.P. for the State.

2. The applicant is seeking quashing of process issued by the learned Metropolitan Magistrate 24th Court, Borvili in C.C.No.497/S/2005. The said case is under Section 138 of Negotiable Instruments Act.

3. For the reasons recorded in my order dated 13th

June, 2005 in W.P.No. 213 of 2005 and dated 21st June, 2005 in Cri.Application No.550 of 2005, in my view, it is clear that the applicant has an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my view, it would be appropriate that the applicant prefers a revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the applicant to prefer the necessary revision before the concerned Sessions Court. All contentions are left open.

5. On the necessary revision being preferred by the applicant before the concerned Sessions Court, the concerned Sessions Court shall dispose of the matter on merits after hearing necessary parties. All contentions are left open.

6. Criminal Application is disposed of.

[V.K.TAHILRAMANI,J.]